

REMARKS

The present amendment is submitted to correct a discrepancy noted while preparing the instant case for payment of the Issue Fee. It has come to our attention that the Terminal Disclaimer submitted on August 30, 2002, and resubmitted on November 12, 2003, in response to a rejection under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,849,902 (Office Actions of July 30, 2001 and August 12, 2003; paper numbers 18 and 28, respectively), inadvertently attributed ownership of the instant application to Oligos Etc, Inc., and Tod M. Woolf. The instant application and U.S. Patent No. 5,849,902 are in fact both jointly owned by Oligos Etc, Inc., Invitrogen Corporation, and Sirna Therapeutics, Inc. Attached herewith please find a Terminal Disclaimer, signed by the Applicants' representative, in which the correct ownership of both the instant application and U.S. Patent No. 5,849,902 is indicated, and which disclaims any term of the patent issuing from the instant application that extends beyond the term of U.S. Patent No. 5,849,902. Applicants respectfully request that the Terminal Disclaimer attached herewith be entered into the record and that it supersede the previous Terminal Disclaimer submitted in the instant case.

Application No. 09/211,794
Amendment dated January 14, 2005

CONCLUSION

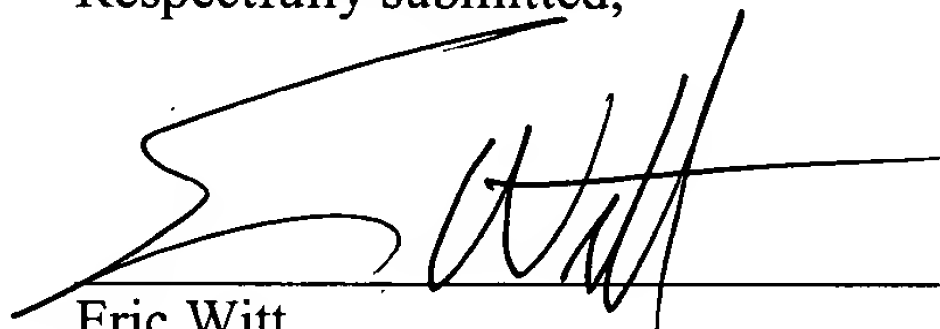
In light of the remarks set forth above, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31249-710.301).

Respectfully submitted,

Date: January 14, 2005

By:

A handwritten signature in black ink, appearing to read 'Eric Witt', is written over a horizontal line.

Eric Witt
Registration No. 44,408

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 849-3330
Client No. 021971